

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

SI03, INC. )  
                  )  
                  )  
Plaintiff,     )  
                  )     Civil Action No: 16-cv-274  
v.                )  
                  )     Jury Trial Demanded  
MUSCLEGEN RESEARCH INC. &     )  
DOES 1-10        )  
                  )  
Defendants.     )

**TO THE CLERK OF THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF MISSOURI:**

Pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, Plaintiff SI03, Inc. (“Plaintiff”) hereby requests that the Clerk enter default in this matter against Defendant MuscleGen Research, Inc. on the ground that the defendant has failed to answer or otherwise defend against the Complaint in this action within the time period prescribed by the Federal Rules of Civil Procedure.

The Complaint was filed on November 22, 2016. ECF No. 1. The North Carolina Secretary of State was served as agent for Defendant on January 4, 2017 and the Answer was due January 25, 2017. ECF No. 8. Defendant did not respond to the First Amended Complaint within 21 days. To date, Plaintiff has not received any correspondence from the defendant, and the Court’s docket indicates that the defendant has not answered, responded, or sought to extend the time for a response. *See generally*, ECF Docket.

Rule 12 provides that the defendant shall serve her Answer to a Complaint within 21 days of service. Fed. R. Civ. P. 12(a)(1)(A)(i). The Summons, issued by the Court and served upon the defendant with a copy of the Amended Complaint, notified the defendant of his obligation to serve a copy of the Answer upon counsel for Plaintiff, and to file an Answer with the Clerk of Court, 21 days from the date of service. The Defendant has not done so, and it is accordingly in default. Plaintiff hereby moves the Clerk of this Court to enter default against Defendant in this matter.

Dated: April 18, 2017

Respectfully submitted,

**NOLTE LAW FIRM**  
By: /s/ Nelson D. Nolte  
Nelson D. Nolte, #53470  
918 Pontoison Dr.  
Manchester, MO 63021  
(314) 452-1211

*Attorney for Plaintiff SI03, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that on April 18, 2017, a true and correct copy of the foregoing was filed with the Clerk of Court via the Court's ECF system, and was also served on the following by U.S. Mail:

Service of Process Agent  
NC Secretary of State  
PO Box 29622  
Raleigh, NC 27626-0622

/s/ Nelson D. Nolte